

**SUMMARY MEETING MINUTES**  
**DARIEN ZONING BOARD OF APPEALS (ZBA)**  
**September 17, 2014**

**REGULAR MEETING**

Darien Town Hall - Room 206 – 7:49 to 10:44 PM

ZBA members present: Vic Capellupo, Rich Wood, Jeff Williams, Ruth Anne Ramsey,  
Mike Nedder and Kevin Fullington

Staff Present: Code Compliance Officer Robert Woodside and Recorder Judy Fazekas

**OPENING**

Acting Chair Jeff Williams opened the meeting at 7:49 PM. He requested cooperation and explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

**DELIBERATION AND DECISION**

The following decision was made after the ZBA members reviewed the public hearing comments, the submitted plans and other application materials, and carefully considered possible stipulations to ensure the best possible project fit among the neighboring properties:

**CALENDAR NO. 32-2014** - The application of William I. Haslun, II, Esq., and Ivey, Barnum & O'Mara, LLC on behalf of PR Partnership, LLC doing business as Giovanni's - Water's Edge, 2748 Boston Post Road. Upon a motion by Rich Wood, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances.

**CONTINUATION OF PUBLIC HEARING**

The following hearing was continued from the September 10, 2014 meeting with no testimony, comment, or additional information provided to the ZBA:

**CALENDAR NO. 35-2014** - the application of Kevin Doyle on behalf of Alliance Energy LLC submitted on August 7, 2014 for an amendment of the previously approved plans of Calendar No. 15-1993 and variances of Section 926 of the Darien Zoning Regulations;

to allow the installation of a replacement ground sign with L.E.D. lighting; Section 926: 12.3 in lieu of 30.0 feet minimum required front yard setback; 8 inch in lieu of 4 inch maximum height of letters/numbers; and L.E.D. sign illumination where that is not permitted. The property is situated on the northwest side of the Boston Post Road approximately 90 feet southwest of the intersection with Richmond Drive and is shown on Assessor's Map #13 as Lot #5, being 211 Boston Post Road and located in the SBE (Service Business East – commercial) Zone.

Ramiz Koda of Alliance Energy answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

## **DELIBERATION AND DECISION**

The following decision was made after the ZBA members reviewed the public hearing comments, the submitted plans and other application materials, and carefully considered possible stipulations to ensure the best possible project fit among the neighboring properties:

**CALENDAR NO. 35-2014** - The application of Kevin Doyle on behalf of Alliance Energy LLC, 211 Boston Post Road. Upon a motion by Jeff Williams, seconded by Kevin Fullington, the ZBA voted 4-1 to DENY the above delineated, requested variances and amendment. Jeff Williams, Mike Nedder, Kevin Fullington and Rich Wood voted in favor of the motion. Ruth Anne Ramsey was opposed. State of Connecticut Statutes require 4 affirmative votes out of the 5 voting ZBA members to approve a variance of the Zoning Regulations. Therefore, this request is denied.

## **PUBLIC HEARINGS**

The following hearings were held with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:

**CALENDAR NO. 23-2014** - the application of Stephen K. Jones and Jones Green Design on behalf of Douglas & Cameron Sokolik submitted on May 21, 2014 for variances of Sections 406 and 906.3 of the Darien Zoning Regulations; to allow the construction of a two-story addition, to allow the existing chimney to remain, and to allow a replacement parking space within setback spaces; Section 406: 11.4 in lieu of 12.4 feet minimum required north side yard setback; 12.6 in lieu of 13.6 feet minimum required south side yard setback; and 24.0 in lieu of 25.0 feet minimum required total of two side yard

setbacks for the addition; and Section 906.3: 21.5 in lieu of 30.0 feet minimum required front yard setback; and 1.1 in lieu of 10.0 feet minimum required north side yard setback for one of the two required parking spaces. The subject property is situated on the west side of Hillcrest Avenue approximately 800 feet north of its intersection with Middlesex Road and is shown on Assessor's Map #27 as Lot #38, being 10 Hillcrest Avenue and located in an R-1/3 (residential) Zone.

Doug Sokolik and Architect Steve Jones answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Attorney Wilder Gleason, present on behalf of a neighbor, requested a continuance to review materials. The ZBA determined that additional clarification of the project circumstances was necessary. The Public Hearing was then continued to the next ZBA meeting on October 15, 2014.

**CALENDAR NO. 39-2014** - the application of Michael P. Murray and Ivey Barnum & O'Mara of behalf of Estate of George Lowman submitted on August 13, 2014 for an interpretation under Section 337 or variances of Sections 334 and 406 of the Darien Zoning Regulations; to allow lot line adjustments to two nonconforming lots; Section 337: an interpretation that lot 2 is exempt from the 200' minimum lot width requirement; or Section 334: 168.6 in lieu of 200.0 feet minimum required lot width for lot 2; and Section 406: 1.944 in lieu of 2.0 acres minimum required lot size for lot 1. The properties are situated on the west side of Allwood Road approximately 290 feet south of the intersection with Scofield Farm Road and are shown on Assessor's Map #8 as Lots #315 and 316, being 0 Allwood Road (lot 2) and 40 Allwood Road (lot 1) and located in an R-2 (residential) Zone.

Attorney Michael Murray answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Neighbors Michael Sload and Lars Noble stated their concerns on aspects of the application. The ZBA determined that additional clarification of the project circumstances was necessary. The Public Hearing was then continued to the next ZBA meeting on October 15, 2014.

**CALENDAR NO. 40-2014** - the application of Charles Karas on behalf of SBD Realty submitted on August 13, 2014 for a variance of Section 660 of the Darien Zoning Regulations; to allow a "personal service business and/or doctor's office" use in the Service Business Zone; Section 660: personal service business and/or doctor's office use where none is permitted. The property is situated on the northeast corner of the intersection formed by Cross Street and Boston Post Road and is shown on Assessor's

Map #63 as Lot #18, being 1472 Boston Post Road and located in an SB (Service Business – commercial) Zone.

Attorney Amy Zabetakis, Charles Karas and Dr. Latrenta answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

**CALENDAR NO. 42-2014** - the application of Mark S. Lebow and William W. Seymour on behalf of Wilhem Darien, LLC submitted on August 13, 2014 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning Regulations; to allow the construction of a two and one-half story replacement house; Section 385: a determination that the subject lot is a legal nonconforming building lot with 70.0 in lieu of 80.0 feet minimum required lot width, and 9,100 in lieu of 14,520 minimum required lot area, and can be properly developed with adequate related site improvements; and Section 334: construction on a building lot with 70.0 in lieu of 80.0 feet minimum required lot width. The property is situated on the west side of Patricia Lane approximately 330 feet southeast from the northerly intersection with Dubois Street and is shown on Assessor's Map #43 and Lot #82, being 14 Patricia Lane and located in an R-1/3 (residential) Zone.

Surveyor Mark Lebow and Architect Chris Pagliaro answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

**CALENDAR NO. 44-2014** - the application of Scott Farquharson and Baybrook Remodelers on behalf of Ruthie Strother submitted on August 13, 2014 for an interpretation and variances of Sections 210 and 406 of the Darien Zoning Regulations; to allow the construction of additions and alterations and the installation of a propane tank; Section 210: an interpretation that the "attic" level of the house is not defined as a second story; or to allow 1034 in lieu of 603.5 square feet of living space on the second floor; or Section 406: to allow 3 in lieu of 2 ½ maximum stories of living space; and Section 406: 29.3 in lieu of 65.0 feet minimum required front yard setback as measured from the center line of Cedar Gate Road for the propane tank. The property is situated on the east side of Rebel Lane approximately 130 feet south of the intersection with Cedar Gate Road and shown on Assessor's Map #64 as Lot #79, being 6 Rebel Lane and located in an R-1 (residential) Zone.

Scott Farquharson, Jay Strother and Ruthie Strother answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

## **DELIBERATIONS AND DECISIONS**

The following decisions were made after the ZBA members reviewed the public hearing comments, the submitted plans and other application materials, and carefully considered possible stipulations to ensure the best possible project fit among the neighboring properties:

**CALENDAR NO. 40-2014** - The application of Charles Karas on behalf of SBD Realty, 1472 Bvoston Post Road. Upon a motion by Kevin Fullington, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variance. Those voting in favor of the motion were Mike Nedder, Vic Capellupo, Jeff Williams, Rich Wood and Kevin Fullington.

**CALENDAR NO. 42-2014** - The application of Mark S. Lebow and William W. Seymour on behalf of Wilhem Darien, LLC, 14 Patricia Lane. Upon a motion by Vic Capellupo, seconded by Rich Wood, the ZBA voted 5-0 to GRANT the above delineated, requested variance and interpretation. Those voting in favor of the motion were Mike Nedder, Vic Capellupo, Jeff Williams, Rich Wood and Kevin Fullington.

**CALENDAR NO. 44-2014** - The application of Scott Farquharson and Baybrook Remodelers on behalf of Ruthie Strother, 6 Rebel Lane. Upon a motion by Mike Nedder, seconded by Vic Capellupo, the ZBA voted 5-0 to GRANT the above delineated, requested variance and interpretation for the addition. Those voting in favor of the motion were Mike Nedder, Vic Capellupo, Jeff Williams, Rich Wood and Kevin Fullington. Upon a motion by Mike Nedder, seconded by Vic Capellupo, the ZBA voted 4-1 to DENY the above delineated, requested variance for the propane tank. Those voting in favor of the motion were Mike Nedder, Vic Capellupo, Jeff Williams and Rich Wood. Kevin Fullington was opposed to the motion. State of Connecticut Statutes require 4 affirmative votes out of the 5 voting ZBA members to approve a variance of the Zoning Regulations. Therefore, this request is denied.

## **OTHER BUSINESS**

The following additional decisions were made after the ZBA members reviewed the submitted documents, correspondence and/or project plans:

Requested amendment to the approved plans of Calendar No. 66-1995, Ed and Deidre Hogan, 1 Berry Lane.

After a brief discussion on the requested plan amendments, the ZBA determined that a new application must be submitted and a public hearing conducted to consider the changes.

Approval of 2015 Meeting Schedule.

Upon a motion by Jeff Williams, seconded by Mike Nedder, the ZBA voted 5-0 to APPROVE the 2015 Meeting Schedule. Those voting in favor of the motion were Mike Nedder, Vic Capellupo, Jeff Williams, Rich Wood and Kevin Fullington.

## **ADJOURNMENT**

Upon a motion by Kevin Fullington, seconded by Mike Nedder, and a ZBA vote of 5-0, the meeting was adjourned at 10:44 PM.

These Meeting Minutes,  
Respectfully submitted September 23, 2014,  
by Robert Woodside,  
Code Compliance Officer  
ZBA Staff

*These Minutes were reviewed by the attending ZBA members, modified as necessary, and upon a motion by Mike Nedder, seconded by Vic Capellupo, approved by a vote of 5-0 at the ZBA meeting on November 12, 2014. Mike Nedder, Vic Capellupo, Jeff Williams, Kevin Fullington and Rich Wood voted in favor of the motion.*